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Attorneys for Defendants

CITY OF MENLO PARK and DAVE BERTINI

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

MICHAEL ZELENY, an individual

Plaintiff,

vs.

EDMUND G. BROWN, JR., an individual, in  
his official capacity, et al.

Defendants.

Case No. 17-cv-07357-RGS

**DEFENDANT CITY OF MENLO PARK'S  
REQUEST FOR LEAVE TO FILE  
STATEMENT OF RECENT DECISION  
PURSUANT TO LOCAL RULE 7-3(d)(2)**

Action Filed: December 28, 2017

Trial Date: None

Defendant City of Menlo Park respectfully requests leave to file a Statement of Recent Decision, without argument, pursuant to Local Rule 7-3(d)(2).

Local Rule 7-3(d) states that, with certain exceptions, once a reply is filed in connection with a pending motion, no additional memoranda, papers or letters may be filed without prior Court approval. Subpart (2) to Rule 7-3(d) permits a party, after a reply has been filed, to file a Statement of Recent Decision without argument in order bring to the Court's attention a relevant judicial opinion. Such must be done prior to the noticed hearing date unless the Court grants prior approval.

1 Defendant City of Menlo Park noticed the hearing date on its Motion for Dismissal of  
2 Portions of the Plaintiff's Second Amended Complaint, etc. (Docket No. 206 et seq.) for January 6,  
3 2022 (which hearing date was subsequently vacated (Docket No. 213)). Accordingly, defendant  
4 City of Menlo Park requests approval from the Court in order to file a Statement of Recent  
5 Decision pursuant to Local Rule 7-3(d)(2).

6 Date: February 8, 2022

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8 By /s/ Robert J. Gundert

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CITY OF MENLO PARK and  
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